

CWP No.4505-2007

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.4505-2007 (O & M)
Date of Decision: 21.10.2015**

Smt. Luxmi Devi and another

... Petitioner(s)

Versus

State of Haryana and others

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?.
- 2) To be referred to the Reporters or not ?.
- 3) Whether the judgment should be reported in the Digest ?

Present: Mr. Ashok Giri, Advocate,
for the petitioners.

Mr. Rajneesh Chadwal, DAG, Haryana.

Mr. Maharaj Kumar, Advocate,
for respondent Nos.4 to 6.

Paramjeet Singh, J. (Oral)

Instant writ petition has been filed under Articles 226/227 of the Constitution of India for setting aside the order dated 11.01.2007 (Annexure P-14) issued by respondent No.2-District Revenue Officer-cum-Settlement Officer, Karnal and notice dated 22.02.2007 (Annexures P-15 and P-16) issued by respondent No.3-Tehsildar Sales, Karnal.

I have heard learned counsel for the parties and perused the record.

Perusal of order dated 11.01.2007 (Annexure P-14) clearly

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indicates that the same is non-speaking. Even all the facts have not been taken into consideration. While issuing notice of motion, following order was passed on 23.03.2007:

“Counsel for the petitioners states that by passing a non-speaking order, the appellate authority has set aside the auction sale in favour of the petitioners, which was conducted in the year 1995. No finding, as to how that auction was bad, has been given in the impugned order.

Notice of motion for 16.07.2007.

Meanwhile, operation of the impugned order shall remain stayed till further orders.”

Admittedly, the appellate authority has not taken into consideration the various facts. The order dated 11.01.2007 (Annexure P-14) apparently appears to be non-speaking. Even the delay in filing the appeal has not been condoned in accordance with law. In view of above, the impugned order dated 11.01.2007 (Annexure P-14) is set aside and matter is remanded to respondent No.2-District Revenue Officer-cum-Settlement Officer, Karnal with a direction to decide the matter/appeal afresh on merit, by passing a speaking order, in accordance with law, as early as possible preferably within six months from the date of receipt of certified copy of this order. Before deciding the appeal on merit, respondent No.2 would also decide the application for condonation of delay in filing the appeal. Parties through their counsel are directed to appear before respondent No.2-District Revenue Officer-

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cum-Settlement Officer, Karnal, on 18.11.2015.

Disposed of in the aforementioned terms.

CM No.13838-CWP-2015 also stands disposed of.

21.10.2015
parveen kumar

(Paramjeet Singh)
Judge